

**REMARKS**

This Amendment is in full response to the non-final Office Action dated June 13, 2006. The present Amendment amends claims 26, 28 and 29 and cancels claim 27 in order to further clarify a portion of the scope sought to be patented, and otherwise disputes certain findings of fact made in connection with the rejection of the claims. Additionally, claim 34 is amended to correct a minor error without changing the scope of the claim. New apparatus claims 42, 43 and 44 have been added. No new matter has been added. Accordingly, claims 26, and 28-44 are presently pending in the application, each of which is believed to be in condition for allowance. Reexamination and reconsideration in light of the present Amendment and the following remarks are respectfully requested.

**Specification**

According to the examiner's instructions, this Amendment amends the specification to include a reference to U.S. Patent Application No. 10/024,179. Acceptance of this change to the specification is courteously solicited.

**Drawings**

The drawings were objected to under 37 CFR 1.83(a). The examiner indicated that "the drawings must show every feature of the invention specified in the claims." Specifically, the examiner stated that "the steps of 'sending a polling command ...; authenticating the portable storage device . . .; determining whether information ... is accessible; and updating the information ...'" and the additional steps recited in claims 27-41 "must be shown or canceled from the claim(s)." Applicant asserts that the drawings of the application do show the features of the claims in compliance with 37 CFR 1.83(a). As just one example, Figure 1 shows all the steps of claims 26, and 28-41. Withdrawal of the objection to the claims is therefore courteously solicited.

**Allowable Subject Matter:**

The Applicant thanks the examiner for recognizing claims 27-29 as containing allowable subject matter and claims 30-41 as being allowable. In accordance with the examiner's suggestion,

claim 27 has been canceled and features of claim 27 have been incorporated into independent claim 26. Withdrawal of the objection to claims 28 and 29 and allowance of the same are therefore respectfully requested.

New Claims

Support for new claims 42-44 can be found variously throughout the specification, including, for example, claims 26, and 28-29. Since each of these new claims is clearly distinguishable from the applied art of record, allowance of the same is courteously solicited.

Claim Rejection 102

In the Action, claim 26 was rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,480,869 to Fujioka (“Fujioka”). This rejection is respectfully traversed.

Independent claims 26, in part, calls for:

a data communication method ... comprising the steps of: **activating the group of light emitting devices when the polling command is sent**, the group of activated light emitting devices **representing a status condition of communication between the terminal device and the portable storage device**.

In contrast, Fujioka nowhere describes the feature of activating a group of light emitting devices when a polling command is sent. Moreover, Fujioka fails to disclose that a group of light emitting devices represent a status condition of communication between the terminal device and the portable storage device as recited in claim 26.

Accordingly, because Fujioka fails to disclose, teach or suggest each and every limitation of claim 26, a *prima facie* anticipation rejection has not been established, and withdrawal of this rejection is respectfully requested. *See, e.g., Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference”).

Conclusion

For at least the foregoing reasons, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the examiner is respectfully requested to pass this application to issue. If the examiner has any comments or suggestions that could place this application in even better form, the examiner is invited to telephone the undersigned attorney at the below-listed number.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-2301/CON from which the undersigned is authorized to draw.

Dated:

*Sept. 8 2004*

Respectfully submitted,

By \_\_\_\_\_  
Ronald P. Kananen

Registration No.: 24,104

**RADER, FISHMAN & GRAUER, PLLC**  
Lion Building  
1233 20<sup>th</sup> Street, N.W., Suite 501  
Washington, D.C. 20036  
Tel: (202) 955-3750  
Fax: (202) 955-3751  
Customer No. 23353

DC247452